



**State of New Hampshire**

**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

MAINTENANCE AND CUSTODIAL EMPLOYEES  
OF CONCORD SCHOOL DISTRICT

Complainant

v.

AMERICAN FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES, LOCAL 1580

Respondent

CASE NO. M-0556:1

DECISION NO. 84-82

APPEARANCES

Representing Maintenance and Custodial Employees

Dennis Miniutti  
Raymond Bonner

Representing American Federation of State, County  
and Municipal Employees, Local 1580

Edward Edwards

BACKGROUND

Certain members of the Maintenance and Custodial Employees of the Concord Union School District filed a petition for decertification with the PELRB on July 12, 1984, along with the necessary signatures of thirty percent of the unit's members. The bargaining unit, "Maintenance and Custodial Personnel of the Concord Union School District", is currently represented by AFSCME Local 1580. By letter dated July 27, 1984, AFSCME objected to the petition on the grounds that the petition was untimely since a contract was still in force and that under PELRB's Rules and Regulations this "contract bar" precludes any election except between 210 days and 150 days of the budget submission date, in this case May 1, 1985.

A hearing was held on the petition and objections at the PELRB's office in Concord, N.H. on September 13, 1984 with all parties represented.

FINDINGS OF FACT AND RULINGS OF LAW

At hearing it was established by testimony and exhibits that:

- (1) A contract existed between the School District and AFSCME Local 1580 for the period July 1, 1982 to June 30, 1984, and,

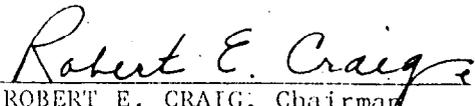
- (2) said contract contained a continuation clause, which allowed for revisions (Section 32.1) to wit: "This agreement shall remain in full force and effect until such changes and revisions have been agreed upon." And,
- (3) AFSCME and the District were in the negotiating process at the present time.

PELRB is persuaded that the continuation clause in the contract relative to decertification does not present a "bar" to elections. The expiration date of the contract is clear and for purposes of decertification only, elections may go forward at anytime thereafter (Case No. F-0112:1, Decision No. 84-21, Supervisory Bargaining Unit, Local 856, IAFF and Local 856, IAFF).

DECISION

The PELRB Orders:

The petition and signature cards will be ruled timely and effective at the present time and a decertification election will be held at the earliest possible convenient date.

  
ROBERT E. CRAIG, Chairman

Signed this 14th day of November, 1984.

By unanimous vote. Robert E. Craig, Chairman presiding; members Seymour Osman and Russell Verney present and voting. Also present, Evelyn C. LeBrun, Executive Director.